



Appropriate Assessment Screening Report

**for Proposed Residential Development, West of New Belgard,
Cookstown Link Road, Tallaght, Dublin 24.**

prepared for South Dublin County Council

Scott Cawley, College House, 71 – 73 Rock Road, Blackrock, Co. Dublin, A94 F9X9, Ireland

Tel+353(1)676-9815 Fax +353(1) 676-9816

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This report has been prepared by Scott Cawley Ltd. in accordance with the particular instructions and requirements of our agreement with the Client, the project's budgetary and time constraints and in line with best industry standards. The methodology adopted and the sources of information used by Scott Cawley Ltd. in providing its services are outlined in this report. The scope of this report and the services are defined by these circumstances.

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The conclusions presented in this report represent Scott Cawley Ltd.'s best professional judgement based on review of site conditions observed during the site visit (if applicable) and the relevant information available at the time of writing. Scott Cawley Ltd. has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy.

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1 Introduction

- 1 This report, which contains information required for the competent authority (in this instance South Dublin County Council) to undertake a screening for Appropriate Assessment (AA), has been prepared by Scott Cawley Ltd. on behalf of the applicant. It provides information on, and assesses the potential for, the proposed development to impact on the Natura 2000 network (hereafter referred to as European sites)¹. The proposed development consists of two apartment blocks, ranging from six to eight storeys and two own door 3 storey town homes on South Dublin County Council lands, west of the new North - South link road connecting Fourth Avenue and Belgard Square North, Tallaght, Dublin 24.
- 2 An AA is required if significant effects on European sites arising from a proposed development cannot be ruled out at the screening stage, either alone or in combination with other plans or projects. It is the responsibility of the competent authority to make a decision as to whether or not the proposed development is likely to have significant effects on European sites, either individually or in combination with other plans or projects.

For the reasons set out in detail in this AA Screening Report, an **Appropriate Assessment of the proposed development is not required in this instance** as it can be concluded, on the basis of objective information, that the proposed development, either individually or in combination with other plans or projects, will not have a significant effect on any European sites.

2 Methodology

2.1 Guidance

- 3 This Appropriate Assessment Screening Report has been prepared with regard to the following guidance documents, as relevant:
 - *Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities*. (Department of Environment, Heritage and Local Government, 2010 revision)
 - *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. Circular NPW 1/10 & PSSP 2/10
 - *Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission, 2001)
 - *Communication from the Commission on the precautionary principle* (European Commission, 2000), and
 - *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC* (European Commission, 2019)

¹ The Natura 2000 network is a European network of important ecological sites, as defined under Article 3 of the Habitats Directive 92/43/EEC, which comprises both special areas of conservation and special protection areas. Special conservation areas are sites hosting the natural habitat types listed in Annex I, and habitats of the species listed in Annex II, of the Habitats Directive, and are established under the Habitats Directive itself. Special protection areas are established under Article 4 of the Birds Directive 2009/147/EC for the protection of endangered species of wild birds. The aim of the network is to aid the long-term survival of Europe's most valuable and threatened species and habitats.

In Ireland these sites are designed as European sites - defined under the Planning Acts and/or the Birds and Habitats Regulations as (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area. They are commonly referred to in Ireland as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

2.2 Assessment Methodology

- 4 The above referenced guidance sets out a staged process for carrying out Appropriate Assessment. To determine if an Appropriate Assessment is required, documented screening is required. Screening identifies the potential for effects on the conservation objectives of European sites, if any, which would arise from a proposed plan or project, either alone or in combination with other plans and projects (i.e. likely significant effects).
- 5 Significant effects on a European site are those that would undermine the conservation objectives supporting the favourable conservation condition of the Qualifying Interest (QI) habitats and/or the QI/Special Conservation Interest (SCI) species of a European site(s).
- 6 Screening for Appropriate Assessment involves the following steps:



- 7 If the conclusions at the end of screening are that there is no likelihood of significant effects occurring on any European sites as a result of the proposed plan or project, either alone or in combination with other plans and projects, then there is no requirement to undertake an Appropriate Assessment.
- 8 In establishing which European sites are potentially at risk (in the absence of mitigation) from the proposed development, a source-pathway-receptor approach was applied. In order for an impact to occur, there must be a risk enabled by having a source (e.g. water abstraction or construction works), a receptor (e.g. a European site or its QI(s) or SCI(s)²), and a pathway between the source and the receptor (e.g. pathway by air for airborne pollution, or a pathway by a watercourse for mobilisation of pollution). For an impact to occur, all three elements must exist; the absence or removal of one of the elements means there is no possibility for the impact to occur.
- 9 The identification of source-pathway-receptor connection(s) between the proposed development and European sites essentially is the process of identifying which European sites are within the Zone of Influence (ZoI) of the proposed development, and therefore potentially at risk of significant effects. The ZoI is the area over which the proposed development could affect the receiving environment such that it could potentially have significant effects on the QI habitats or QI/SCI species of a European site, or on the achievement of their conservation objectives³.
- 10 The identification of a source-pathway-receptor link does not automatically mean that significant effects will arise. The likelihood for significant effects will depend upon the characteristics of the source (e.g. extent and duration of construction works), the characteristics of the pathway (e.g. direction and strength of prevailing winds for airborne pollution) and the characteristics of the receptor (e.g. the sensitivities of the European site and its QIs/SCIs). Where uncertainty exists, the precautionary principle⁴ is applied.

2.3 Desktop Data Review

- 11 The desktop data sources used to inform the assessment presented in this report are as follows (accessed on the 22nd July 2020):

- Online data available on European sites and protected habitats/species as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie, including conservation objectives documents
- Online data available on protected species as held by the National Biodiversity Data Centre (NBDC) from www.biodiversityireland.ie

² The term qualifying interest is used when referring to the habitats or species for which an SAC is designated; the term special conservation interest is used when referring to the bird species (or wetland habitats) for which an SPA is designated.

³ As defined in the *Guidelines for Ecological Impact Assessment in the UK and Ireland* (CIEEM, 2018)

⁴ The precautionary principle is a guiding principle that derives from Article 191 of the Treaty on the Functioning of the European Union and has been developed in the case law of the European Court of Justice (e.g. ECJ case C-127/02 – Waddenze, Netherlands).

The guidance document *Communication from the Commission on the Precautionary Principle* (European Commission, 2000) notes that the precautionary principle “*covers those specific circumstances where scientific evidence is insufficient, inconclusive or uncertain and there are indications through preliminary objective scientific evaluation that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the chosen level of protection*”.

Applying the precautionary principle in the context of screening for appropriate assessment requires that where there is uncertainty or doubt about the risk of significant effects on a European site(s), it should be assumed that significant effects are possible and AA must be carried out.

- Information on the surface water network and surface water quality in the area available from www.epa.ie
- Information on groundwater resources and groundwater quality in the area available from www.epa.ie and www.gsi.ie
- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie
- Information on the location, nature and design of the proposed development supplied by the applicant's design team
- *Tallaght Public Realm Biodiversity Concept Report, Tallaght, Dublin 24* (Scott Cawley Ltd., 2020)

2.4 Baseline Surveys

12 This section describes the ecological surveys carried out to inform the assessment of likely significant effects on European sites.

2.4.1 Habitats and Flora Survey

A walkover survey of the lands was undertaken by Laura Higgins BSc of Scott Cawley on the 6th March 2020. All habitats were classified using *A Guide to Habitats in Ireland*⁵, recording dominant species, indicator species and/or species of conservation interest; with the Fossitt category codes given in parentheses. Vascular plant nomenclature generally follows the *BSBI's Shortlist of Accepted Plant Names*⁶. The habitat and flora survey included checks for the presence of invasive species listed on the Third Schedule of the *European Communities (Birds and Natural Habitats) Regulations, 2011* (as amended). The survey also included an assessment of whether any habitats in the lands corresponded to habitats listed on Annex I of the EU Habitats Directive, as they are described in the *Interpretation Manual of European Union Habitats* (European Commission, 2013).

2.4.1 Fauna Surveys

Signs of fauna were recorded concurrent with the completion of the site walkover survey on the 6th March 2020, and involved the identification of tracks, prints, droppings and/or carcasses (if present).

2.4.2 Limitations of Surveys

The habitat survey was carried out outside of the optimum survey period for identifying flowering plants, including non-native invasive plant species. However, given the urban nature of the proposed development site and the surveyor's ability to identify plant species present by their vegetative features, the timing of this survey has not affected the findings of this report.

3 Provision of Information for Screening for Appropriate Assessment

13 The following sections provide information to facilitate the Appropriate Assessment screening of the proposed development to be undertaken by the competent authority.

14 A description of the proposed development and the receiving environment is provided to identify the potential ecological impacts. The environmental baseline conditions are discussed, as relevant to the assessment of ecological impacts where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment.

⁵ Fossitt, J.A. (2000) *A Guide to Habitats in Ireland*. Heritage Council.

⁶ BSBI (2007). *BSBI's Shortlist of Accepted Plant Names*. Available to download from www.bsbi.org. Botanical Society of Britain and Ireland

15 The potential impacts are examined in order to define the potential zone of influence of the proposed development on the receiving environment. This then informs the assessment of whether the proposed development will result in significant effects on any European sites; i.e. affect the conservation objectives supporting the favourable conservation condition of the European site's QIs or SCIs.

3.1 Description of the Proposed Development

The development site is, at present, a brownfield site, formerly a temporary halting site known as Maelruan. The site is currently being used as a compound by the Contractor during the construction works of the Belgard Square to Cookstown Road link road.

The proposed works comprise the construction of 133 affordable rental apartments with a community facility (c 12,918m²) in three blocks ranging from three to eight storeys with associated balconies/ terrace for each apartment and roof mounted solar panels linked by a single storey podium.

- Block A (west- c 5,162m²) accommodates 2 no. studios, 31 no. 1 bed apartments and 28 no. 2 bed apartments.
- Block B (east – c 5,903m²) accommodates 1 no. studio, 33 no. 1 bed apartments, 35 no. 2 bed apartments, 1 no. 3 bed apartment and the community facility.
- Block C (south – 255m²) accommodates 2 no. 3 bed 3 storey maisonette apartments
- Podium (c. 1598 m²) accommodates 39 no. car parking spaces which includes 3 no. universal access spaces, 246 no. bicycle spaces, ESB substation and switch room, plant rooms, bins and other maintenance stores.
- Ancillary site development works include the provision of pedestrian zip link/ greenway, access roadway, footpaths, 24 no. bicycle spaces, hard and soft landscaping, new boundary treatments and a landscaped courtyard at podium level.

The construction of foundations will require piling.

The proposed lighting for the site will be compliant with best practice standards for bat sensitive lighting.

Proposed Sustainable Urban Drainage Systems (SuDS) for the site include:

- Green Roofs on two of the proposed buildings
- Low water usage sanitary appliances to reduce the reliance on potable water supplies
- An attenuation tank
- Trapped road gullies to allow for the removal of grit and other potentially harmful materials
- Permeable surface paving along the Greenway (south of the subject site)
- Tree pits for the trees along the Greenway
- An oil separator at the end of the storm water network is to be fitted to allow any hydrocarbons which may have built up from on-site traffic to be removed from storm water prior to disposal.

Estimated duration of construction is 18-24 months.

3.2 Overview of the Receiving Environment

3.2.1 European sites

There are 11 European sites located within c. 15km of the proposed development site. The proposed development site does not overlap with any European sites. The nearest European site is Glenasmole Valley SAC, located c. 3.6km to the south of the proposed development site, in the Dublin/Wicklow Mountains.

All of the European sites present in the vicinity of the proposed development site are shown on Figure 1 below. The QIs/SCIs of the European sites in the vicinity of the proposed development site are provided in Appendix I.

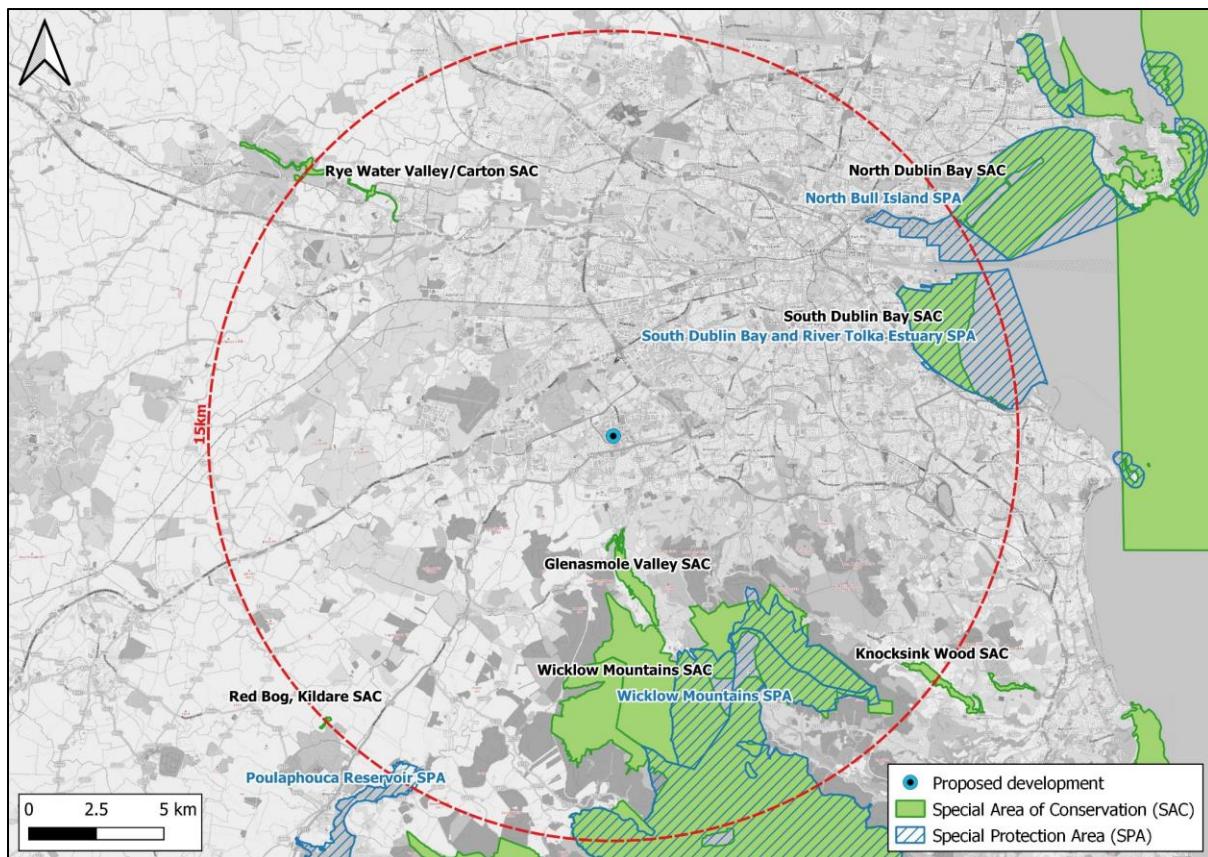


Figure 1: European sites in the vicinity of the proposed development site

3.2.2 Habitats

The proposed development site is within the Tallaght Public Realm, which is located within Tallaght Town Centre, an urbanised area. A large proportion of the Tallaght Public Realm was an active construction site at the time of survey. The following habitat types (and mosaics of these), assigned using the Heritage Council classification system⁵, were identified within the proposed development site and immediate surroundings:

- Buildings and artificial surfaces (BL3)
- Scrub (WS1)
- Recolonising bare ground (ED3)

There are no Annex I habitats present within the proposed development site or immediate environs. Overall, the habitats found on site have limited ecological value. The habitat types are described in greater detail in the *Tallaght Public Realm Biodiversity Concept report* (Scott Cawley Ltd., 2020).

3.2.3 Flora and Fauna Species

Based on a review of available records on the NBDC database, there were no records for protected and/or rare plant species within c. 2km of the proposed development site.

No records for any QI species of European sites were returned from this review either. The desktop study found records for the following SCI bird species, for which European sites within c. 15km are designated, within c.2km of the proposed development site:

- Black-headed Gull *Chroicocephalus ridibundus*
- Curlew *Numenius arquata*
- Golden Plover *Pluvialis apricaria*

- Lesser Black-backed Gull *Larus fuscus*
- Brent Goose *Branta bernicla bernicla*
- Oystercatcher *Haematopus ostralegus*
- Redshank *Tringa tetanus*
- Teal *Anas crecca*

There is no suitable habitat for light-bellied Brent goose *Branta bernicla hrota* on site. Light-bellied Brent geese regularly use Dublin's amenity parks and sports grounds for foraging. The nearest known light-bellied Brent goose site is c. 2.1km east and north-east of the proposed development site (Scott Cawley Ltd., 2017⁷). Given that there is no suitable foraging habitat, i.e. open amenity grassland onsite, the proposed development site is considered unsuitable for light-bellied Brent goose.

With regards to non-native invasive species, the NBDC database search returned records for three-cornered garlic *Allium triquetrum* which is listed on the Third Schedule of the *European Communities (Birds and Natural Habitats) Regulations, 2011*. The species was recorded in Sean Walsh Memorial Park, c. 500m south of the proposed development in 2019. No records for other invasive species, listed on the Third Schedule of the above mentioned regulations, were returned during the desk study.

There were no QI species present on site. The only SCI species present at the time of field surveys was black-headed gull. One individual was recorded roosting on a rooftop of a building to the north-east of the site.

No Annex I habitats and/or Annex II species were recorded in the proposed development site. There were no species listed on the Third Schedule of the *European Communities (Birds and Natural Habitats) Regulations, 2011* present onsite, however, two non-scheduled non-native invasive species, butterfly-bush *Buddleja davidii* and old man's beard *Clematis vitalba*, were recorded within the proposed development site boundary.

3.2.4 Hydrology

There are no surface water features located within or adjacent to the proposed development site.

The site is located within the Liffey and Dublin Bay catchment and the Dodder sub-catchment. The northern section of the site is contained within the Poddle sub-basin, whereas the southern section is within the Dodder sub-basin. Both of these sub-basins drain to Dublin Bay.

The nearest stream, the Jobstown stream, is located c. 950m southeast of the proposed development site and has a 'Poor' WFD status and is listed as an 'At risk' waterbody by the EPA. The stream joins the River Dodder c. 1.7km to the east, and the Lower Liffey Estuary c. 15.4km to the north-east, of the proposed development site, before flowing into Dublin Bay c. 18km downstream. There is a Q-Value of 4, good, for the River Dodder as recorded at New Bridge, Firhouse river monitoring station (RS09D010420), which is located c. 2.1km downstream, in 1998. The River Dodder has a 'Moderate' WFD status and the Lower Liffey Estuary waterbody has a 'Good' WFD status. Both of these waterbodies are listed as 'At risk' by the EPA. Dublin Bay is considered to be 'Unpolluted' with a 'Good' WFD status and is regarded to be a waterbody which is 'Not at risk'.

3.2.5 Hydrogeology

Geological Survey of Ireland (GSI) data indicates that the site is underlain by a Locally Important Bedrock Aquifer (LI), which is moderately productive, only in local zones. The site is located in an area of 'Moderate' vulnerability with regards to the ease with which groundwater may be contaminated by human activities.

⁷ Scott Cawley (2017). *Natura Impact Statement- Information for Stage 2 Appropriate Assessment. Proposed Residential Development, St. Paul's College, Sybil Hill Road, Raheny, Dublin 5*

The Groundwater Body (GWB) underlying the proposed site is the Dublin GWB, which is currently classified by the EPA as having '*Good Status*' and '*Not at risk*'. The only European site for which QIs are dependent on groundwater, and which occurs within the same GWB as the proposed site is the Rye Water Valley/Carton SAC, c. 11km northwest of the proposed development site.

3.2.6 Soils & Geology

Site investigations (Ground Investigations Ireland 2018⁸) carried out in 2017 did not find any contaminated soil on the site of the proposed development.

3.3 Assessment of Effects on European Sites

- 16 This section identifies all the potential impacts associated with the proposed development, examines whether there are any European sites within the ZOI of effects from the proposed development, and assesses whether there is any risk of the proposed development resulting in a significant effect on any European site, either alone or in combination with other plans or projects.
- 17 In assessing the potential for the proposed development to result in a significant effect on any European sites, any measures intended to avoid or reduce the harmful effects of the project on European sites are not taken into account.

3.3.1 Habitat loss and fragmentation

The proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts.

As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.

The proposed development site does not support populations of any fauna species linked with the QI/SCI populations of any European site(s).

As the proposed development will not result in habitat loss or habitat fragmentation within any European site, there is no potential for any in combination effects to occur in that regard.

3.3.2 Habitat degradation as a result of hydrological impacts

Surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network.

Surface Water

Surface water run-off and discharges from the proposed development will enter the downstream receiving environment via the existing 450mm diameter stormwater sewer on the access road of the existing block apartments at the southern boundary of the site. The proposed development will link to this existing stormwater sewer via the proposed 225-450mm diameter stormwater sewer located on the link road under the application reference number SD178/0007. Storm water flow will be restricted by the use of a flow control device to limit the flow to the public system.

Considering the following, the proposed development will not have any measurable effects on water quality in Dublin Bay or the Irish Sea:

- the scale and location of the proposed development relative to the receiving surface water network;

⁸ Ground Investigations Ireland (2018) *Belgard Gardens, Tallaght, Dublin 24, Ground Investigation Report*

- the relatively low volume of any surface water run-off or discharge events relative to the receiving surface water and marine environments; and
- the level of mixing, dilution and dispersion of any surface water run-off/discharges in the receiving watercourses, Dublin Bay and the Irish Sea.

It is an objective of the Greater Dublin Strategic Drainage Study, and the *South Dublin County Council Development Plan 2016-2022*, to incorporate Sustainable Urban Drainage Systems (SUDS) within new developments. These features of the proposed development are not included within the design to avoid or reduce any potential harmful effects to any European sites.

Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of surface water run-off or discharges.

Foul Water

The proposed development will require a new separate drainage network to collect and convey the effluent generated by the proposed development. The drainage network for the development will be in accordance with Part H of the Building Regulations and to the requirements and specifications set out in the Irish Water Code of Practice for Wastewater. All foul effluent generated from the proposed development shall be collected in separate foul pipes and flow under gravity to the 225mm diameter foul sewer at the north of the proposed development site, which runs west to east on Fourth Avenue and then runs on Cookstown Road, from south to north via a new connection. This 225m diameter sewer will connect to the 225mm diameter foul sewer currently under construction by South Dublin County Council on the link road where it will ultimately be discharged to Ringsend Wastewater Treatment Plant (WWTP) and treated prior to discharge into Dublin Bay. The proposed foul drainage infrastructure and routing plan can be found in the engineers report accompanying this application.

Foul water, comprising sewage and industrial effluent (and some surface water run-off), from the Dublin area has historically been, and will continue to be, treated at Ringsend WWTP prior to discharge to Dublin Bay. The most recent information from Irish Water indicates that the plant is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E. Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions.

Despite the capacity issues associated with the Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status⁹. The Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. The pollutant content of future foul water discharges to Dublin Bay is considered likely to decrease in the long-term for the following reasons:

- An Bord Pleanála granted planning permission for an upgrade to the Ringsend WWTP in April 2019¹⁰, which will increase capacity at the plant, and
- An Bord Pleanála granted planning permission¹¹ for the Greater Dublin Drainage (GDD) Project which will involve the construction of a new regional wastewater treatment facility in Clonshaugh

⁹ Transitional and Coastal Surface Water Quality data (2010-2012) accessed from the EPA Envision Mapviewer www.gis.epa.ie/Envision (accessed May 2019)

¹⁰ An Bord Pleanála Case Reference PL29S.301798 – 10-year permission for development of the Ringsend wastewater treatment plant upgrade project including a regional bio solids storage facility, Available online at www.leanala.ie/casenum/301798.htm. Accessed 5th June 2019.

¹¹ An Bord Pleanála Case Reference PL06F.301908 - Greater Dublin Drainage Project consisting of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional bio solids storage facility. Available online at www.leanala.ie/casenum/301908.htm.

in North County Dublin, the development of which will help alleviate capacity issues at Ringsend WWTP.

It is also an objective of the Greater Dublin Strategic Drainage Study, and all development plans within the catchment of Ringsend WWTP, to include Sustainable Urban Drainage Systems (SUDS) within new developments. The relevant development plans also have protective policies/objectives in place to protect water quality in the receiving freshwater and marine environments, and to implement the Water Framework Directive in achieving good water quality status for Dublin Bay.

Considering the above, particularly the current unpolluted status of Dublin Bay, it is concluded that the proposed development will not impact on the overall water quality status of Dublin Bay.

Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul water discharges.

In Combination

There is potential for “*in-combination*” effects on water quality in Dublin Bay from any other projects carried out within the functional areas of the *Dublin City Development Plan 2016-2022* (Dublin City Council, 2016), the *Dún Laoghaire-Rathdown County Development Plan 2016-2022* (Dún Laoghaire-Rathdown County Council, 2016), the *Fingal Development Plan 2017-2023* (Fingal County Council, 2017), *South Dublin County Council Development Plan 2016-2022* (South Dublin County Council, 2016), or any other land use plans which could influence conditions in Dublin Bay via rivers and other surface water features.

The *Regional Planning Guidelines for the Greater Dublin Area 2010-2022* (The Regional Planning Guidelines Office, 2010) include the following policy objectives relevant to the protection of European sites and the protection of water quality in Dublin Bay, to which the relevant planning authorities must have regard to in the preparation and adoption of their development plans:

Strategic Policy GIP2: To protect and conserve the natural environment, including in particular nationally important and EU designated sites such as Special Protection Areas, Candidate Special Areas of Conservation and proposed Natural Heritage Areas, protected habitats and species, and habitats and species of local biodiversity value. This policy also includes new or extended ecological sites that are notified or designated in the lifetime of the RPGs. Appropriate measures to protect Natura 2000 sites should be identified at the initial stages of all planning processes and included as a material consideration in order to inform future development.

Strategic Recommendation SR6: Plans and projects associated with zoned expansions needed to meet Economic Development and satisfy the Settlement Strategy that have the potential to negatively impact on Natura 2000 sites will be subject to HDA according to Article 6 of the Habitats Directive and in accordance with best practice and guidance.

Strategic Recommendation PIR15: Seek continued investment in Waste Water Treatment facilities and networks to meet the needs of the River Basin Management Plans and to achieve the targets for good water status for river, coastal and transitional waters in the Water Framework Directive.

Strategic Recommendation PIR16: Ensure that future capacity is provided in growth towns through expansion and upgrading of facilities where necessary and/or exploration of alternatives such as connecting to adjoining drainage systems or changes to catchments to enable growth towns to provide for the population growth envisaged in the settlement strategy and thus enable a more sustainable settlement pattern to be supported.

Strategic Recommendation PIR17: Identification and development of a suitable site for the Greater Dublin Regional Drainage Project - Regional Waste Water Treatment, Marine Outfall and Orbital Drainage System in the north coast of the GDA to enable the continued population and economic growth and the physical consolidation of the metropolitan area, by reducing

the catchment size for Ringsend and providing new treatment capacity through network connections.

Strategic Recommendation PIR18: The management of land use and policies of Development Plans, Local Area Plans and Development Management decisions shall ensure that the scale of development is managed to achieve compliance with the waste water discharge licences of waste water treatment facilities. Breach of compliance is now a criminal offence under the EU Directives 2006/11/EC and 2000/60/EC given effect in the Waste Water Discharge Regulations 2007.

Strategic Recommendation PIR19: Plans and projects associated with all waste water and/or surface water treatments that have the potential to negatively impact on Natura 2000 sites will be subject to a Habitats Directive Assessment (HDA) according to Article 6 of the habitats directive and in accordance with best practice and guidance.

The planning authority for the proposed development is South Dublin City Council (SDCC). Plans and developments within South Dublin County must comply with the following policy objectives of the South Dublin County Council Development Plan 2016 – 2022 relevant to the protection of European sites and the protection of water quality in Dublin Bay:

IE1 It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

IE2 It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

IE3 It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

G5 It is the policy of the Council to promote and support the development of Sustainable Urban Drainage Systems (SUDS) in the County and to maximise the amenity and biodiversity value of these systems.

HCL12 It is the policy of the Council to support the conservation and improvement of Natura 2000 Sites and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

Plans and developments within the other local authority areas which could influence conditions in Dublin Bay via rivers and other surface water features, also must comply with the policies and objectives relevant to the protection of European sites and water quality. These include the *Dún Laoghaire-Rathdown County Development Plan 2016-2022*, the *Fingal Development Plan 2017-2023*, the *Dublin City Development Plan 2016-2022*, the *Kildare County Development Plan 2017-2023* (Kildare County Council, 2017) and the *Wicklow County Development Plan 2016-2022* (Wicklow County Council, 2016). The relevant policies and objectives in those plans for the protection of European sites and water quality are included in Appendix II.

In conclusion, there are a number of projects referred to above which will upgrade the capacity of Ringsend WWTP which will, over time, address the capacity issues at Ringsend WWTP referred to above.

As noted under the surface water and foul water sections above, Dublin Bay is currently unpolluted and the proposed development will not result in any measurable effect on water quality in Dublin Bay. There are also protective policies and objectives in place at a strategic planning level to protect water quality in Dublin Bay.

Therefore, and having regard to the policies and objectives referred to under the relevant development plans, it is concluded that the possibility of any other plans or projects acting in combination with the

proposed development to give rise to significant effects on any European site in, or associated with, Dublin Bay can be excluded.

3.3.3 *Habitat degradation as a result of hydrogeological impacts*

An accidental pollution event during construction has the potential to affect groundwater quality locally. Whilst this is a possibility, this would be very localised and is considered not likely to result in the degradation of existing groundwater conditions. Furthermore, there are no groundwater dependent habitats or species associated with the European sites in Dublin Bay.

The nearest European site, which supports groundwater dependent terrestrial habitats and species is Glenasmole Valley SAC, located c. 3.6km south of the proposed development, however, it is located in a different GWB than the proposed development site, and therefore potential impacts are not possible due to the absence of a feasible pathway in the source-pathway-receptor link.

The next nearest European site with groundwater dependent terrestrial habitats is Rye Water Valley/Carton SAC, c. 11.1km northwest of the proposed development. This SAC is within the same GWB as the proposed development but is considered to be too distant for its groundwater level or flow to be affected by proposed construction works. Additionally, the general groundwater flow direction in the Dublin GWB is towards the coast and also towards the River Liffey and Dublin City. Additional European sites with ground water dependant habitats within 15km of the proposed development include Glenasmole Valley SAC, Wicklow Mountains SAC, Red Bog, Knocksink Wood SAC and Red Bog, Kildare SAC however these sites are located in different GWB and therefore not considered to be affected. Therefore, construction works are considered not to affect groundwater levels or flows in any European sites.

3.3.4 *Habitat degradation as a result of introducing/spreading non-native invasive species*

There are no species listed on the Third Schedule of the *European Communities (Birds and Natural Habitats) Regulations, 2011* (as amended) on the proposed development site. Two non-native invasive species were recorded within the proposed development site, and in the immediate surrounding area. The proposed development site is not hydrologically connected, or in close proximity to any European site, therefore, there is no risk of non-native invasive species spreading from the proposed development site to any European site.

3.3.5 *Disturbance and displacement impacts*

Construction-related disturbance and displacement of fauna species could potentially occur within the vicinity of the proposed development. For mammal species such as otter, disturbance effects would not be expected to extend beyond 150m¹². For birds, disturbance effects such as noise and vibrations associated with construction, specifically piling, which is required for the construction of foundations for the proposed development, would not be expected to extend beyond a distance of c. 300m¹³, as noise levels associated with general construction activities and piling would attenuate to close to background levels at that distance, and therefore will not result in disturbance to any fauna species associated with any European sites. There are no European sites within the disturbance Zol; the next nearest European site to the proposed development is c. 3.6km away.

One SCI species, black-headed gull, was observed using the surrounding rooftops as roosting habitat. The nearest European sites designated for this species are South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA, located c. 11.5km and c. 15km east of the proposed development site, respectively.

¹² This is consistent with Transport Infrastructure Ireland (TII) guidance (Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes and Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes) documents. This is a precautionary distance, and likely to be moderated by the screening effect provided by surrounding vegetation and buildings, with the actual Zol of construction related disturbance likely to be much less in reality.

¹³ Cutts, N., Phelps, A. and Burdon, D. (2009) Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance. Report to Huber INCA. Institute of Estuarine and Coastal Studies, University of Hull.

Black-headed gulls are known to forage and roost in urban areas, and generally breed near freshwater bodies outside urban areas. The proposed development is likely to result in the temporary displacement of black-headed gulls from the proposed development site; however, considering the number of black-headed gulls recorded, one individual in this instance, and its location outside the proposed development site, as well as the availability of similar habitat in the immediate environs of the proposed development site and in the wider locality, to which they will be displaced to (i.e. rooftops), there is no potential for impacts on any black-headed gull populations of any European site in consideration of their conservation objectives. As the proposed development will not result in the disturbance/displacement of the qualifying/special conservation interest species of any European site, there is no potential for any in combination effects to occur in that regard

3.3.6 Summary

- 18 The potential impacts associated with the proposed development do not have the potential to affect the receiving environment and, consequently, do not have the potential to affect the conservation objectives supporting the qualifying interest/special conservation interests of any European sites. Therefore, the proposed development is not likely to have significant effects on any European sites.
- 19 As the proposed development itself will not have any effects on the QIs/SCIs or conservation objectives of any European sites, and taking into account the policies and objectives of the statutory plans referred to above, it is concluded that there is no potential for any other plan or project to act in combination with it to result in significant effects on any European sites.
- 20 The potential impacts of the proposed development on the receiving environment, their Zol, and the European sites at risk of significant effects are summarised in Table 1 below. In assessing the potential for the proposed development to result in a significant effect on any European sites, any measures intended to avoid or reduce the harmful effects of the project on European sites are not taken into account.

Table 1 *Summary of Analysis of Likely Significant Effects on European sites*

Potential Direct, Indirect In Combination Effects and the Zol of the Potential Effects	Are there any European sites within the Zol of the proposed development?
Habitat loss Habitat loss will be confined to the lands within the proposed development boundary.	No There are no European sites within the proposed development boundary
Habitat degradation as a result of hydrological impacts Habitats and species downstream of the proposed development site and the associated surface water drainage discharge points, and downstream of offsite wastewater treatment plants.	No There are no European sites at risk of hydrological effects associated with the proposed development
Habitat degradation as a result of hydrogeological impacts Groundwater-dependant habitats, and the species those habitats support, in the local area that lie downgradient of the proposed development site.	No There are no European sites at risk of hydrogeological effects associated with the proposed development
Habitat degradation as a result of introducing/spreading non-native invasive species Habitat areas within, adjacent to, and potentially downstream of the proposed development site.	No There are no European sites at risk from the spread/introduction of non-native invasive species
Disturbance and displacement impacts Potentially up to several hundred metres from the proposed development boundary, dependent upon the predicted levels of noise, vibration and visual disturbance associated with the proposed development, taking into	No There are no European sites within the potential zone of influence of disturbance effects associated with the construction or operation of the proposed development

Potential Direct, Indirect In Combination Effects and the Zol of the Potential Effects	Are there any European sites within the Zol of the proposed development?
account the sensitivity of the qualifying interest species to disturbance effects	

4 Conclusions of Screening Assessment Process

- 21 Following an examination, analysis and evaluation of the best available information, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded, for the reasons set out in Section 3.3 above. In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered.
- 22 Therefore, it is the professional opinion of the authors of this report that the application for consent for the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement (NIS).

Appendix I

The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the proposed development site (see Figure 1)

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
Special Area of Conservation (SAC)	
<p>Glenasmole Valley SAC [001209]</p> <p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>[6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>[7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>NPWS (2020) <i>Conservation objectives for Glenasmole Valley SAC [001209]</i>. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht</p>	c. 3.6km south of the proposed development
<p>Wicklow Mountains SAC [002122]</p> <p>[3110] Oligotrophic waters containing very few minerals of sandy plains (<i>Littorellatalia uniflorae</i>)</p> <p>[3160] Natural dystrophic lakes and ponds</p> <p>[4010] Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>[4030] European dry heaths</p> <p>[4060] Alpine and Boreal heaths</p> <p>[6130] <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i></p> <p>[6230] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>[7130] Blanket bogs (* if active bog)</p> <p>[8110] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>[8210] Calcareous rocky slopes with chasmophytic vegetation</p> <p>[8220] Siliceous rocky slopes with chasmophytic vegetation</p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>[1355] Otter <i>Lutra lutra</i></p> <p>NPWS (2017) <i>Conservation Objectives: Wicklow Mountains SAC 002122</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	c. 6km south of the proposed development
<p>Rye Water Valley/Carton SAC [001398]</p> <p>[7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>[1014] Narrow-mouthed Whorl Snail <i>Vertigo angustior</i></p> <p>[1016] Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i></p> <p>NPWS (2020) <i>Conservation objectives for Rye Water Valley/Carton SAC [001398]</i>. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p>	c. 11.1km northwest of the proposed development
<p>South Dublin Bay SAC [000210]</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1210] Annual vegetation of drift lines</p> <p>[1310] Salicornia and other annuals colonising mud and sand</p> <p>[2110] Embryonic shifting dunes</p>	c. 11.7km east of the proposed development

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
NPWS (2013) <i>Conservation Objectives: South Dublin Bay SAC 000210</i> . Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.	
<p>Knocksink Wood SAC [000725]</p> <p>[7220] Petrifying springs with tufa formation (Cratoneurion)* [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>NPWS (2020) Conservation objectives for Knocksink Wood SAC [000725]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p>	c. 13.8km southeast of the proposed development
<p>Red Bog, Kildare SAC [000397]</p> <p>[7140] Transition mires and quaking bogs</p> <p>NPWS (2019) <i>Conservation Objectives: Red Bog, Kildare SAC 000397</i>. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.</p>	c. 14.8km southwest of the proposed development site
<p>North Dublin Bay SAC [000206]</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] <i>Salicornia</i> and other annuals colonising mud and sand [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [2110] Embryonic shifting dunes [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2190] Humid dune slacks [1395] Petalwort <i>Petalophyllum ralfsii</i></p> <p>NPWS (2013) <i>Conservation Objectives: North Dublin Bay SAC 000206</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	c. 15km northeast of the proposed development
<p>Special Protection Area (SPA)</p> <p>Wicklow Mountains SPA [004040]</p> <p>[A098] Merlin <i>Falco columbarius</i> [A103] Peregrine <i>Falco peregrinus</i></p> <p>NPWS (2018) <i>Conservation objectives for Wicklow Mountains SPA [004040]</i>. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.</p>	c. 7.7km southeast of the proposed development
<p>South Dublin Bay and River Tolka Estuary SPA [004024]</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i></p>	c. 11.6km east of the proposed development

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>[A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A162] Redshank <i>Tringa totanus</i> [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i> [A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i> [A999] Wetland and Waterbirds</p> <p>NPWS (2015) <i>Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Poulaphouca Reservoir SPA [004063] [A043] Greylag Goose (<i>Anser anser</i>) [A183] Lesser Black-backed Gull (<i>Larus fuscus</i>)</p> <p>NPWS (2020) <i>Conservation objectives for Poulaphouca Reservoir SPA [004063]</i>. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p>	c. 14.4km southwest of the proposed development
<p>North Bull Island SPA [004006] [A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A052] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A056] Shoveler <i>Anas clypeata</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A156] Black-tailed Godwit <i>Limosa limosa</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A160] Curlew <i>Numenius arquata</i> [A162] Redshank <i>Tringa totanus</i> [A169] Turnstone <i>Arenaria interpres</i> [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i> [A999] Wetlands & Waterbirds</p> <p>NPWS (2015) <i>Conservation Objectives: North Bull Island SPA 004006</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	c. 15km northeast of the proposed development

Appendix II

Land use plan policies/objectives relating to the protection of European sites and water quality

Dún Laoghaire-Rathdown County Development Plan 2016-2022	
Policy LHB19: Protection of Natural Heritage and the Environment	
<p>It is Council policy to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas, candidate Special Areas of Conservation, proposed Natural Heritage Areas and Ramsar sites - as well as non-designated areas of high nature conservation value which serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.</p>	
Policy LHB20: Habitats Directive	
<p>It is Council policy to ensure the protection of natural heritage and biodiversity, including European sites that form part of the Natura 2000 network, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.</p>	
Policy LHB22: Designated Sites	
<p>It is Council policy to protect and preserve areas designated as proposed Natural Heritage Areas, candidate Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as appropriate, delivery of 'favourable' conservation status of habitats and species within these areas.</p>	
Policy EI2: Wastewater Treatment and Appropriate Assessment	
<p>It is Council policy to provide adequate wastewater treatment facilities to serve the existing and future population of the County, subject to complying with the Water Framework Directive and the associated River Basin Management Plan or any updated version of this document, 'Water Quality in Ireland 2007-2009' (EPA 2011) or any updated version of the document, Pollution Reduction Programmes for Designated Shelfish Areas, the Urban Waste Water Treatment Directive and the Habitats Directive.</p>	
Policy EI3: Surface Water Drainage and Appropriate Assessment	
<p>It is Council policy to require that a Sustainable Drainage System (SuDS) is applied to any development and that site specific solutions to surface water drainage systems are developed, which meet the requirements of the Water Framework Directive and the associated River Basin Management Plans and 'Water Quality in Ireland 2007-2009' (EPA 2011) or any updated version of the document.</p>	
Fingal Development Plan 2017-2023	
Objective NH10	
<p>Ensure that the Council takes full account of the requirements of the Habitats and Birds Directives, as they apply both within and without European Sites in the performance of its functions.</p>	
Objective NH11	
<p>Ensure that the Council, in the performance of its functions, takes full account of the objectives and management practices proposed in any management or related plans for European Sites in and adjacent to Fingal published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	
Objective NH15	
<p>Strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.</p>	
Objective SW04	
<p>Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.</p>	
Objective WQ01	
<p>Strive to achieve 'good status' in all waterbodies in compliance with the Water Framework Directive, the Eastern River Basin District Management Plan 2009-2015 and the associated Programme of Measures (first</p>	

cycle) and to cooperate with the development and implementation of the second cycle national River Basin Management Plan 2017-2021.

Objective WQ04

Protect existing riverine wetland and coastal habitats and where possible create new habitats to maintain naturally functioning ecosystems whilst ensuring they do not impact negatively on the conservation objectives of any European Sites.

Objective WT01

Liaise with and work in conjunction with Irish Water during the lifetime of the plan for the provision, extension and upgrading of waste water collection and treatment systems in all towns and villages of the County to serve existing populations and facilitate sustainable development of the County, in accordance with the requirements of the Settlement Strategy and associated Core Strategy.

Objective WT02

Liaise with Irish Water to ensure the provision of wastewater treatment systems in order to ensure compliance with existing licences, EU Water Framework Directive, River Basin Management Plans, the Urban Waste Water Directive and the EU Habitats Directive.

South Dublin County Council Development Plan 2016-2022

HCL12 Objective 1

To prevent development that would adversely affect the integrity of any Natura 2000 site located within and immediately adjacent to the County and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive.

HCL12 Objective 2

To ensure that projects that give rise to significant direct, indirect or secondary impacts on Natura 2000 sites, either individually or in combination with other plans or projects, will not be permitted unless the following is robustly demonstrated in accordance with Article 6(4) of the Habitats Directive and S.177AA of the Planning and Development Act (2000 – 2010) or any superseding legislation:

1. There are no less damaging alternative solutions available; and
2. There are imperative reasons of overriding public interest (as defined in the Habitats Directive) requiring the project to proceed; and
3. Adequate compensatory measures have been identified that can be put in place.

IE Policy 1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

IE1 Objective 1

To work in conjunction with Irish Water to protect, manage and optimise water supply and foul drainage networks in the County.

IE1 Objective 2

To work in conjunction with Irish Water to facilitate the timely delivery of ongoing upgrades and the expansion of water supply and wastewater services to meet the future needs of the County and the Region.

IE Policy 2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

IE2 Objective 1

To maintain, improve and enhance the environmental and ecological quality of our surface waters and groundwater by implementing the programme of measures set out in the Eastern River Basin District River Basin Management Plan.

IE2 Objective 3

To maintain and enhance existing surface water drainage systems in the County and promote and facilitate the development of Sustainable Urban Drainage Systems (SUDS), including integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

IE2 Objective 4

To incorporate Sustainable Urban Drainage Systems (SUDS) as part of Local Area Plans, Planning Schemes, Framework Plans and Design Statements to address the potential for Sustainable Urban Drainage at a site and/or district scale, including the potential for wetland facilities.

IE2 Objective 5

To limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SUDS) and avoid the use of underground attenuation and storage tanks.

IE2 Objective 6

To promote and support the retrofitting of Sustainable Urban Drainage Systems (SUDS) in established urban areas, including integrated constructed wetlands.

Kildare County Development Plan 2017-2023

NH 4

Support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

NH 5

Prevent development that would adversely affect the integrity of any Natura 2000 site located within and immediately adjacent to the county and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive.

NH 6

Ensure an Appropriate Assessment, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

WQ 1

Co-operate with the EPA and other authorities in the continued implementation of the EU Water Framework Directive and assist and co-operate with the lead authority for the River Basin Management Plan(s).

WQ 2

Ensure, through the implementation of the River Basin Management Plan(s) and the associated Programmes of Measures and any other associated legislation, the protection and improvement of all drinking water, surface water and ground waters throughout the county.

WQ 6

Protect recognised salmonid water courses in conjunction with Inland Fisheries Ireland such as the Liffey catchment, which are recognised to be exceptional in supporting salmonid fish species.

WW 4

Ensure that adequate wastewater services will be available to service development prior to the granting of planning permission. Applicants who are proposing to connect to the public wastewater network should consult with Irish Water regarding available capacity prior to applying for planning permission.

WW 12

Ensure that existing and permitted private wastewater treatment plants are operated in compliance with their wastewater discharge license, in order to protect water quality.

Wicklow County Development Plan 2016-2022**NH2**

No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the project to proceed; and c) Adequate compensatory measures in place.

NH3

To contribute, as appropriate, towards the protection of designated ecological sites including candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs). To contribute towards compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including the following and any updated/superseding documents:

- EU Directives, including the Habitats Directive (92/43/EEC, as amended)⁷, the Birds Directive (2009/147/EC)⁸, the Environmental Liability Directive (2004/35/EC)⁹, the Environmental Impact Assessment Directive (85/337/EEC, as amended), the Water Framework Directive (2000/60/EC) and the Strategic Environmental Assessment Directive (2001/42/EC).
- National legislation, including the Wildlife Act 1976¹⁰, the European Communities (Environmental Impact Assessment) Regulations 1989 (SI No. 349 of 1989) (as amended), the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011) and the European Communities (Environmental Liability) Regulations 2008¹¹.
- National policy guidelines (including any clarifying Circulars or superseding versions of same), including the Landscape and Landscape Assessment Draft Guidelines 2000, the Environmental Impact Assessment Sub-Threshold Development Guidelines 2003, Strategic Environmental Assessment Guidelines 2004 and the Appropriate Assessment Guidance 2010.
- Catchment and water resource management Plans, including Eastern and South Eastern River Basin Management Plan 2009-2015 (including any superseding versions of same).
- Biodiversity Plans and guidelines, including Actions for Biodiversity 2011-2016: Ireland's 2nd National Biodiversity Plan (including any superseding version of same).
- Ireland's Environment 2014 (EPA, 2014, including any superseding versions of same), and to make provision where appropriate to address the report's goals and challenges.

NH4

All projects and plans arising from this plan¹² (including any associated improvement works or associated infrastructure) will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment where necessary, that:

- 1) The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or
- 2) The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type and / or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to

follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or

3) The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

NH5

To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites in Wicklow.

Along with cSACs, SPAs and pNHA these include Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs).

WI2

To protect existing and potential water resources of the County, in accordance with the EU Water Framework Directive, the River Basin Management Plans, the Groundwater Protection Scheme and source protection plans for public water supplies.

WI12

Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) and in particular, to ensure that all surface water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved surface water system.

WI6

In order to fulfil the objectives of the Core Strategy, Wicklow County Council will work alongside and facilitate the delivery of Irish Water's Water Services Investment Programme, to ensure that all lands zoned for development are serviced by an adequate wastewater collection and treatment system and in particular, to endeavour to secure the delivery of regional and strategic wastewater schemes. In particular, to support and facilitate the development of a WWTP in Arklow, at an optimal location following detailed technical and environmental assessment and public consultation.

WI7

Permission will be considered for private wastewater treatment plants for single rural houses where: • the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;

- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10) and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

WI9

Private wastewater treatment plants for commercial / employment generating development will only be considered where:

- Irish Water has confirmed the site is due to be connected to a future public system in the area6 or Irish Water have confirmed there are no plans for a public system in the area;
- it can clearly demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria; and

- an annually renewed contract for the management and maintenance of the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority.